

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

IV. REMARKS

Claims 1-20 are currently pending in the application and the Office Action rejected Claims 1-20. By the foregoing amendments, Applicants amended Claims 1, 9 and 12; and added new Claims 21-27 to further define, clarify and/or broaden the claimed invention, and to expedite receiving a Notice of Allowance. Pursuant to 37 C.F.R. § 1.121, no new matter is introduced by these amendments. Applicants believe that Claims 1-27 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Response to the First Section 102(b) Rejection

The Office Action rejected Claims 1-5, 7-16 and 18-20 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,893,809 issued to Coats et al. The Office Action contends that the Coats patent discloses a backboard (30) including a top, a bottom and a front surface; an elongated support that is sized and configured to position the backboard above a surface; a

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

backboard support assembly connecting the backboard to the elongated support (22); and a goal support assembly including a rim and a support member (30), the support member being attached to the backboard support assembly at least substantially behind a plane that is generally aligned with the front surface of the backboard (fig 3).

The Office Action, as to Claims 2 and 4, contends that the Coats patent discloses a resistance mechanism (fig 7, item 27, 36). As to Claim 3, the Office Action contends that the Coats patent discloses a resistance mechanism connected to a rear portion disposed behind a plane (fig 3). As to Claim 5, the Office Action contends that the Coats patent discloses a resistance mechanism behind a plane aligned with the front surface of the backboard (fig 7). As to Claims 7 and 18, the Office Action contends that the Coats patent discloses a portable basketball system (fig 1). As to Claim 8 and 19, the Office Action contends that the Coats patent discloses a device that is adjustable (fig 1). As to Claims 9 and 12, the Office Action contends instructs to see Claim 1 rejection (3:55-59). As to Claims 10 and 11, the Office Action contends that the Coats patent discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard (fig 1). As to Claim 13, the Office Action contends that The Coats patent discloses a goal support that is attached to the backboard support behind the front surface of the backboard (fig 1). As to Claim 14, the Office Action contends that The Coats patent discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard and a rear portion of the elongated member (fig 1). As to Claim 15, the Office Action contends that The Coats patent discloses a resistance mechanism connected to the backboard support assembly (fig 7, item 27). As

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

to Claim 16, the Office Action contends that The Coats patent discloses a resistance mechanism connected to the support assembly (fig 3). As to Claim 20, the Office Action contends that The Coats patent discloses a support structure that interconnects the support and backboard support assembly (fig 1 and 3).

Applicants respectfully traverse this rejection because the Coats patent does not disclose each and every element of Claims 1-5, 7-16 and 18-20. In order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, Applicants amend Claims 1, 9 and 12.

1. Claim 1

Applicants amended Claim 1, for example, to provide “a goal support assembly including a rim and a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard, an intermediate portion of the support member of the goal support assembly being attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard.” Thus, Claim 1 now positively recites the goal support assembly includes a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

backboard. In addition, Claim 1 now positively recites an intermediate portion of the support member of the goal support assembly is attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard.

The Coats patent does not disclose, for example, a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard. Additionally, the Coats patent does not disclose an intermediate portion of the support member of the goal support assembly being attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard. Therefore, the Coats patent does not disclose each and every element of Claim 1.

2. Claim 9

Applicants amended Claim 9 to provide a “the goal support assembly being connected to the end of the backboard support assembly that extends below a lower portion of the backboard at a connection point that is spaced apart from and below the lower portion of the backboard.” Applicants also amended Claim 9 to provide “a resistance mechanism connected to the elongated support member of the goal support assembly, the resistance mechanism being sized and configured to allow the goal support assembly to move from a first position to a second position when a force

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

greater than a predetermined amount of force is applied to the rim, the resistance mechanism being sized and configured to move the goal support assembly from the second position to the first position when the force applied to the rim is removed.” Thus, Claim 9 now positively recites that the goal support assembly is connected to the end of the backboard support assembly that extends below a lower portion of the backboard at a connection point that is spaced apart from and below the lower portion of the backboard. Claim 9 also positively recites the resistance mechanism is sized and configured to allow the goal support assembly to move from a first position to a second position when a force greater than a predetermined amount of force is applied to the rim, and the resistance mechanism is sized and configured to move the goal support assembly from the second position to the first position when the force applied to the rim is removed.

The Coats patent does not disclose, for example, a goal support assembly that is connected to the end of the backboard support assembly that extends below a lower portion of the backboard at a connection point that is spaced apart from and below the lower portion of the backboard. In addition, as discussed in greater detail below, the Coats patent does not disclose a resistance mechanism is sized and configured to move the goal support assembly from the second position to the first position when the force applied to the rim is removed. Consequently, the Coats patent does not disclose each and every element of Claim 9.

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

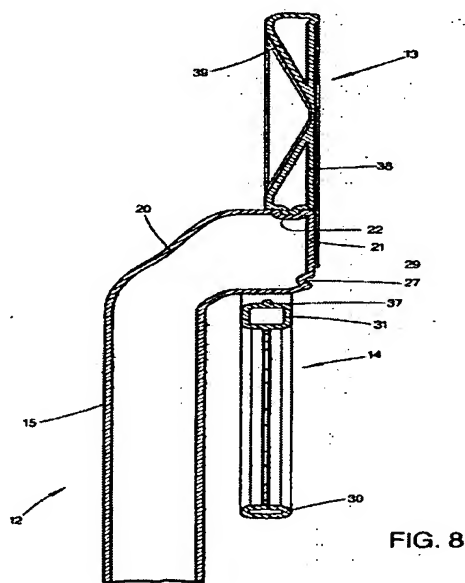
3. **Claim 12**

Applicants amended Claim 12 to provide “a goal support assembly including a rim and an elongated member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard, an intermediate portion of the goal support assembly being connected to the backboard support assembly.” In addition, Applicants amended Claim 12 to provide “a resistance mechanism that is connected to the goal support assembly, the resistance mechanism being sized and configured to allow the goal support assembly to move from a first position to a second position when a force greater than a predetermined amount is applied to the rim, the resistance mechanism being sized and configured to move the goal support assembly from the second position to the first position when the force applied to the rim is removed.” Thus, Claim 12 now positively recites the goal support assembly includes **an elongated member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard** and is attached to the rim and **a second end that extends substantially beyond the plane that is generally aligned with the rear of the backboard**. In addition, Claim 12 positively recites **an intermediate portion of the goal support assembly is connected to the backboard support assembly**. Further, Claim 12 positively recites the resistance mechanism is sized and configured to allow the goal support assembly to move from a first position to a second position when a force greater than a predetermined amount of force is applied to the rim, and **the resistance mechanism is sized and configured to move the goal support assembly from**

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

the second position to the first position when the force applied to the rim is removed.

The Coats patent does not disclose a goal support assembly that includes an elongated member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond the plane that is generally aligned with the rear of the backboard. The Coats patent also does not disclose an intermediate portion of the goal support assembly that is connected to the backboard support assembly. Further, the Coats patent does not disclose a resistance mechanism that is sized and configured to move the goal support assembly from the second position to the first position when the force applied to the rim is removed. Rather, as shown in Figure 8 of the Coats patent, after a downward force is applied the hoop 30, the hoop 30 dangles in a collapsed position -- illustrating a safety feature needed to prevent the toy system from toppling:



See Coats, C. 3, ll. 55-59.

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

4. Summary

Because the Coats patent does not disclose each and every element of Claims 1, 9 and 12, Applicants respectfully request that this Section 102(b) rejection be withdrawn. Additionally, Applicant requests that this Section 102(b) rejection of Claims 2-5, 7-8, 10-11, 13-16 and 18-20 be withdrawn at least because each of these claims are dependent upon amended Claims 1, 9 and 12 respectively.

B. Response to the Second Section 102(b) Rejection

The Office Action rejected Claim 1 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,895,365 issued to Schroeder. The Office Action contends that the Schroeder patent discloses a backboard (18) including a top, a bottom and a front surface; an elongated support that is sized and configured to position the backboard above a surface a backboard support assembly connecting the backboard to the elongated support (fig 5) ; and a goal support assembly including a rim and a support member (10,12), the support member being attached to the backboard support assembly at least substantially behind a plane that is generally aligned with the front surface of the backboard (fig 3).

Applicants respectfully traverse this rejection because the Schroeder patent does not disclose each and every element of Claim 1. As discussed above, in order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, Applicants amended Claim 1.

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

Applicants amended Claim 1, for example, to provide “a goal support assembly including a rim and a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard, an intermediate portion of the support member of the goal support assembly being attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard.” Thus, Claim 1 now positively recites the goal support assembly includes a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard. In addition, Claim 1 now positively recites an intermediate portion of the support member of the goal support assembly being attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard.

In contrast, as shown in Figures 1, the Schroeder patent discloses a goal mount 12 that is entirely positioned in front of a plane that is generally aligned with the front surface of the backboard:

Filed : December 15, 2003



Importantly, the goal mount 12 does **not** include a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard or an intermediate portion of the support member of the goal support assembly that is attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard. Consequently, the Schroeder patent does not disclose each and every element of Claim 1.

Because the Schroeder patent does not disclose each and every element of Claim 1, Applicants respectfully request that the Section 102(b) rejection of Claim 1 be withdrawn.

C. Response to the Third Section 102(b) Rejection

The Office Action rejected Claims 1-20 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,947,847 issued to van Nimwegen. The Office Action contends that Van

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

Nimwegen discloses a backboard (68) including a top, a bottom and a front surface; an elongated support that is sized and configured to position the backboard above a surface a backboard support assembly connecting the backboard to the elongated support (60); and a goal support assembly including a rim and a support member (fig 1 item 80), the support member being attached to the backboard support assembly at least substantially behind a plane that is generally aligned with the front surface of the backboard (fig 1).

As to Claims 2 and 4, the Office Action contends that Van Nimwegen discloses a resistance mechanism (fig 4b). As to Claim 3, the Office Action contends that Van Nimwegen discloses a resistance mechanism connected to a rear portion disposed behind a plane (fig 4b). As to Claim 5, the Office Action contends that Van Nimwegen discloses a resistance mechanism behind a plane aligned with the front surface of the backboard (4b). As to Claims 6 and 17, the Office Action contends that Van Nimwegen discloses two arms (fig 2, item 60). As to Claims 7 and 18, the Office Action contends that Van Nimwegen discloses a portable basketball system (fig 1). As to Claim 8 and 19, the Office Action contends that Van Nimwegen discloses a device that is adjustable (fig 1).

As to Claims 9 and 12, the Office Action instructs to see Claim 1 rejection (12:36-41). As to Claims 10 and 11, the Office Action contends that Van Nimwegen discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard (fig 5). As to Claim 13, the Office Action contends that Van Nimwegen discloses a goal support that is attached to the backboard support behind the front surface of the backboard (fig 5, item 58). As to Claim 14, the Office Action contends that Van Nimwegen discloses a resistance mechanism disposed behind a

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

plane that is generally aligned with the front surface of the backboard and a rear portion of the elongated member (fig 4b, 5). As to Claim 15, the Office Action contends that Van Nimwegen discloses a resistance mechanism connected to the backboard support assembly (fig 4b). As to Claim 16, the Office Action contends that Van Nimwegen discloses a resistance mechanism connected to the support assembly (fig 4b). As to Claim 20, the Office Action contends that Van Nimwegen discloses a support structure that interconnects the support and backboard support assembly (fig 1 and 4b).

Applicants respectfully traverse this rejection because the van Nimwegen patent does not disclose each and every element of Claims 1-20. However, in order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, Applicants have amended Claims 1, 9 and 12.

1. Claim 1

As discussed above, Applicants amended Claim 1, for example, to provide “a goal support assembly including a rim and a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard, an intermediate portion of the support member of the goal support assembly being attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard.” Thus, Claim 1 now positively recites the goal

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

support assembly includes a support member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard. In addition, Claim 1 now positively recites an intermediate portion of the support member of the goal support assembly being attached to the backboard support assembly at an attachment point that is at least substantially behind the plane that is generally aligned with the front of the backboard.

In contrast, the rim plate 84 disclosed in the van Nimwegen patent is positioned in front of the backboard. For example, Figure 4B of the van Nimwegen patent shows:

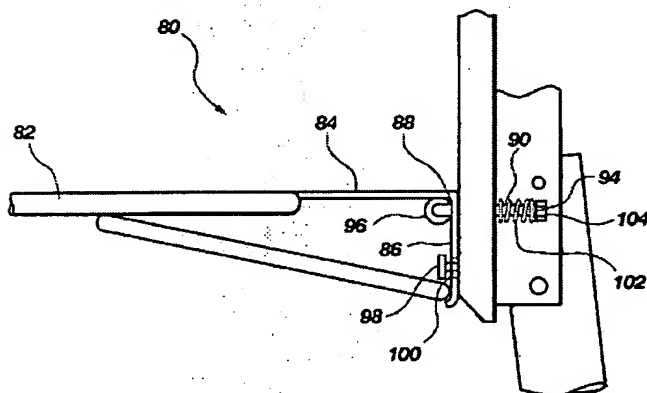


Fig. 4B

The van Nimwegen patent does **not** disclose a support member with a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard. In addition, The van Nimwegen patent does **not** disclose an intermediate portion of the support member of the goal support assembly that is attached to the backboard support assembly at an attachment point that is at

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

least substantially behind the plane that is generally aligned with the front of the backboard.

Consequently, the van Nimwegen patent does **not** disclose each and every element of Claim 1.

2. Claim 9

As discussed above, Applicants amended Claim 9 to provide a “the goal support assembly being connected to the end of the backboard support assembly that extends below a lower portion of the backboard at a connection point that is spaced apart from and below the lower portion of the backboard.” Thus, Claim 9 now positively recites the goal support assembly is connected to the end of the backboard support assembly that extends below a lower portion of the backboard at a connection point that is spaced apart from and below the lower portion of the backboard.

The van Nimwegen patent does **not** disclose a goal support assembly that is connected to the end of the backboard support assembly that extends below a lower portion of the backboard at a connection point that is spaced apart from and below the lower portion of the backboard. In contrast, the rim plate 84 disclosed in the van Nimwegen patent is positioned in front of the backboard. Therefore, the van Nimwegen patent does **not** disclose each and every element of Claim 9.

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

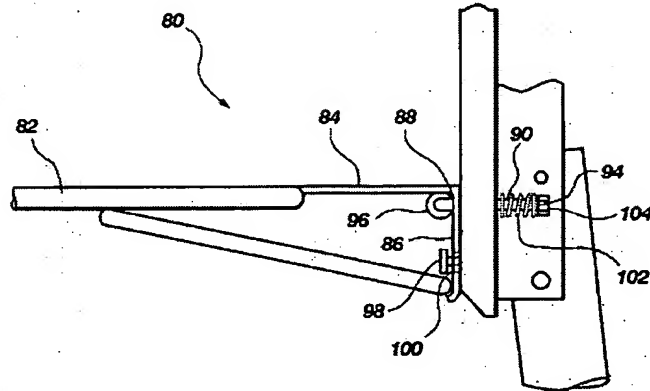


Fig. 4B

3. **Claim 12**

As discussed above, applicants amended Claim 12 to provide “a goal support assembly including a rim and an elongated member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond a plane that is generally aligned with the rear of the backboard, an intermediate portion of the goal support assembly being connected to the backboard support assembly.” Thus, Claim 12 now positively recites the goal support assembly includes **an elongated member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard** and is attached to the rim and **a second end that extends substantially beyond the plane that is generally aligned with the rear of the backboard**. In addition, **Claim 12 positively recites an intermediate portion of the goal support assembly being connected to the backboard support assembly.**

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

The van Nimwegen patent does not disclose a goal support assembly that includes an elongated member with a first end that extends substantially beyond a plane that is generally aligned with the front of the backboard and is attached to the rim and a second end that extends substantially beyond the plane that is generally aligned with the rear of the backboard. The van Nimwegen patent also does not disclose an intermediate portion of the goal support assembly being connected to the backboard support assembly. Consequently, the van Nimwegen patent does not disclose each and every element of Claim 12.

4. Summary

Because the van Nimwegen patent does not disclose each and every element of Claims 1, 9 and 12, Applicants respectfully request that this Section 102(b) rejection be withdrawn. Additionally, Applicant requests that the Section 102(b) rejection of Claims 2-8, 10-11 and 13-20 be withdrawn at least because each of these claims are dependent upon amended Claims 1, 9 and 12 respectively.

CONCLUSION

In view of the foregoing, Applicant submits that Claims 1-27 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.


Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: May 23, 2005

By: 
Richard C. Gilmore
Registration No. 37,335
Attorney of Record

Customer No. 22,913

WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707
E-mail: rgilmore@wnlaw.com

Re. : Response to Office Action Mailed December 21, 2004
App. No. : 10/737,034
Filed : December 15, 2003

III. AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes amendments to Figure 12. This attached replacement sheet of drawings, which includes Figure 12, replaces the original sheet of drawings which included Figure 12.

An annotated or marked-up sheet of drawings for Figure 12 is also attached. The annotated sheet of drawings shows the proposed drawing corrections in red ink. Specifically, the annotated sheet of drawings includes the proposed change of the reference numbers “142” to “110,” “116” to “142,” and “102” to “112.” Applicant believes that this proposed amendment clarifies the drawings and does not introduce any new matter into the drawings.

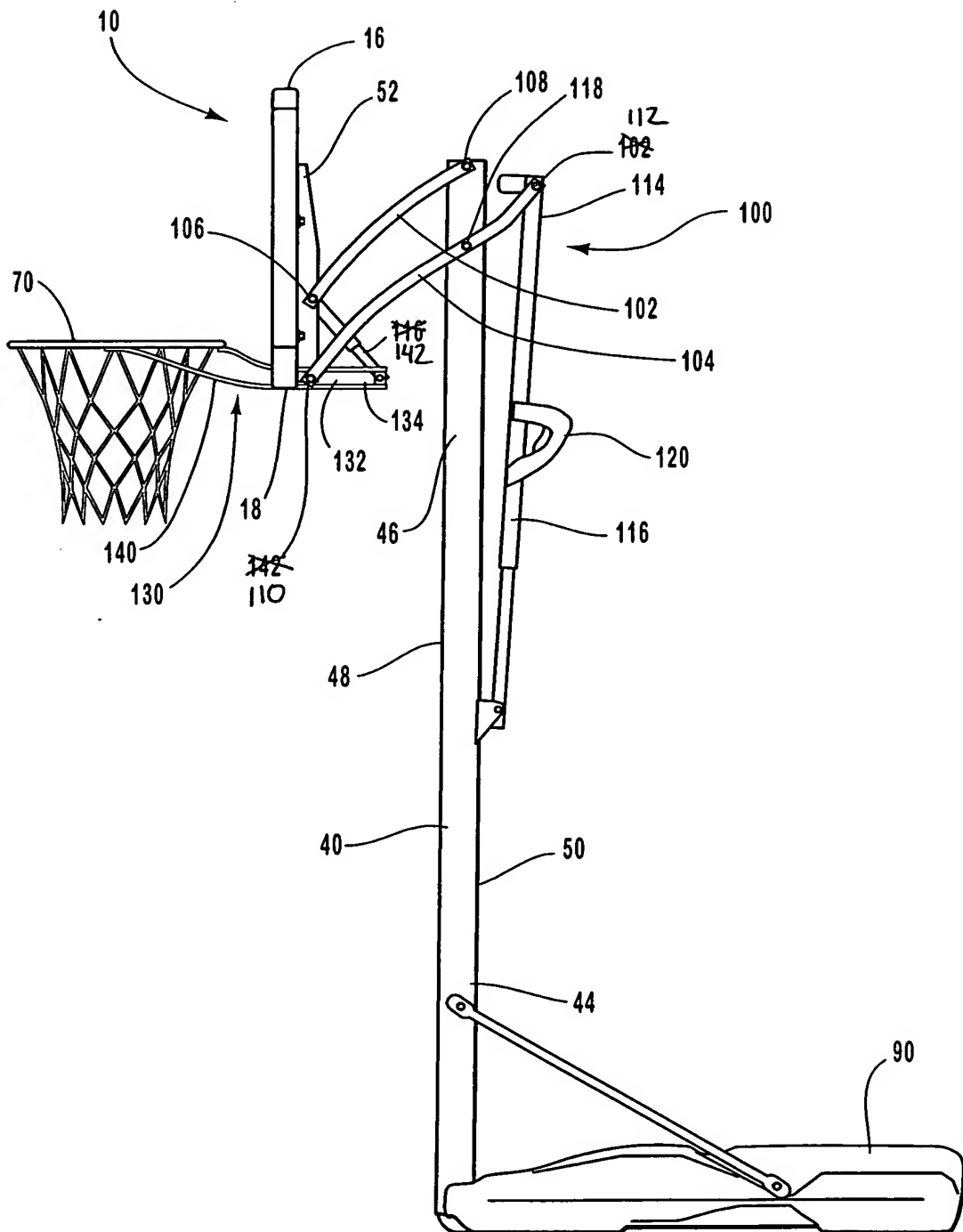


Fig. 12